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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/643,557	08/18/2003	Li Ping Chen		4936

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WEI TE CHUNG
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EXAMINER

CHAN, KO HUNG

ART UNIT PAPER NUMBER

3632

DATE MAILED: 02/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/643,557

Applicant(s)

CHEN ET AL.

Examiner

Korie H. Chan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 January 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

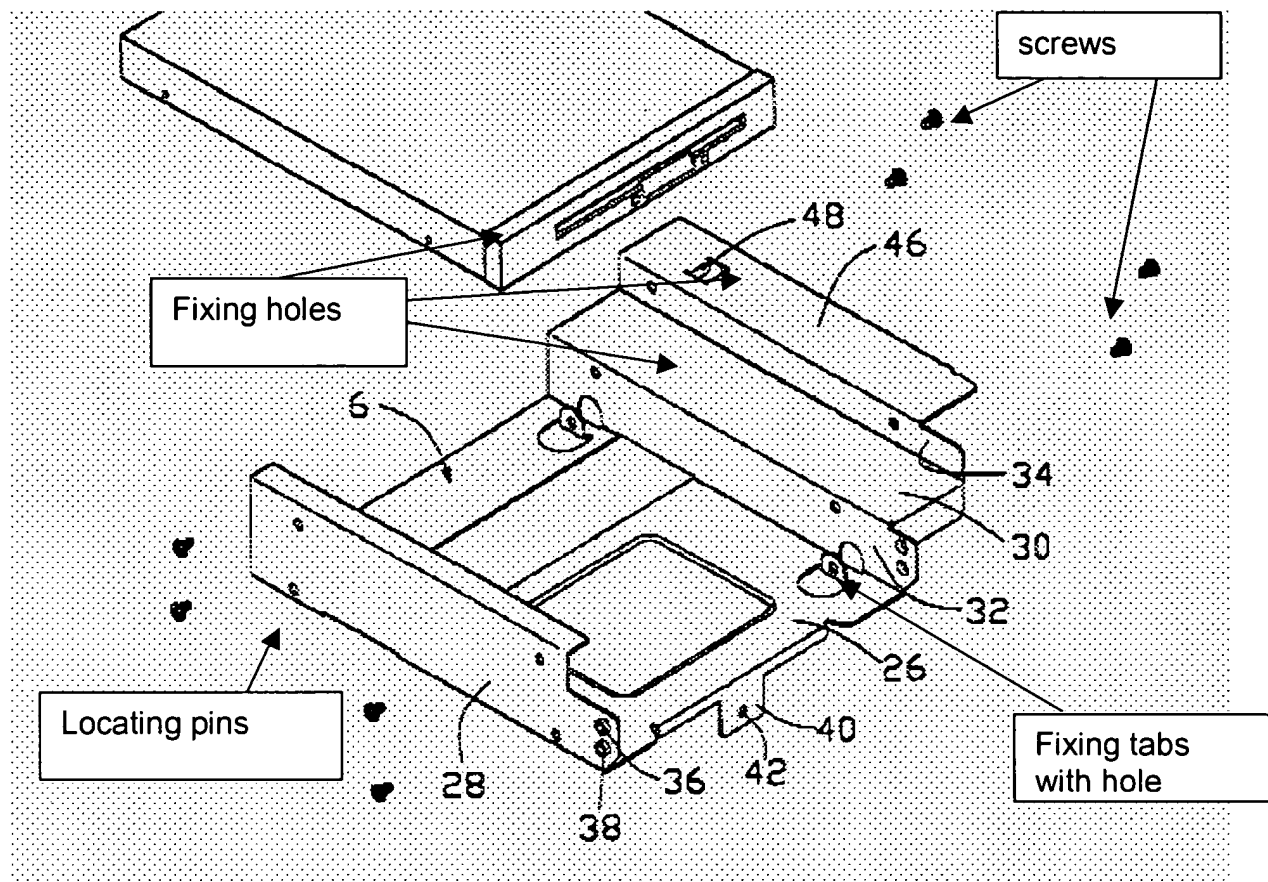
The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 102

Claim 16 is rejected under 35 U.S.C. 102(b) as being anticipated by Root (US patent no. 3,182,807). Root disclose a mounting apparatus comprising: a storage device (consider the three parts 12 as one storage device) defining two opposite side faces (26 and 28) with a plurality of fixing holes (30); and a mounting bracket (50, figure 3) comprising: a bottom wall (38); opposite first and second side walls (42A and 44A) extending from two opposite side edges of the bottom wall, the storage device being seated upon the bottom wall with the two side faces respectively engaged with the corresponding side walls of the bracket; and a plurality of locating pins (48A-C on wall 42A) extending inwardly from the first side wall and received in the corresponding fixing holes, respectively; wherein the mounting bracket further includes a plurality of fixing structures (48A-C on the wall 44A) located oppositely far away from the first side wall and fixing the storage device relative to the bracket, wherein at least one of the first and second side walls is outwardly deflectable (Col. 2, lines 48-50) relative to the bottom wall for downward loading the storage device into the bracket.

Claim Rejections - 35 USC § 103

Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Liao et al (US patent no. 6,529,373) in view of Root (US patent no. 3,202,291). Liao discloses a mounting bracket (figure 4) for holding a data storage device (8 and 10), the data storage device comprising first and second sidewalls, the first sidewall defining a plurality of fixing holes (figure 4) therein, the mounting bracket (see illustration below) comprising: a bottom wall (26); a first sidewall (28) extending upwardly from a side of the bottom wall with a plurality of locating pins (screws figure 4) protruding inwardly therefrom corresponding to the fixing holes of the data storage device; a second sidewall (30, 32, 34) extending upwardly from an opposite side of the bottom wall for sandwiching the data storage device with the first sidewall; and locking means (other wall also has screws figure 4) for engaging with the second sidewall of the data storage device to retain the data storage device in the mounting bracket; wherein the second sidewall of the mounting bracket comprising a first vertical wall (32 or 34), a connecting wall (30) and a second vertical wall (32 or 34); wherein the first wall defining a plurality of fixing holes and the fixing structures comprise a plurality of through holes defined in the first vertical wall of the mounting bracket, and screws (figure 4) extending through the through holes to engage with the data storage device; wherein a plurality of fixing tabs (see illustration below) extends upwardly from the bottom wall parallel to and spaced from the second sidewall of the mounting bracket.



However, Liao does not disclose one of the sidewalls being outwardly deflectable. Root teaches in a mounting bracket having base (12) and sidewalls (18) which are yielding or deflectable (Col. 1, lines 69-71). It would have been obvious to one of ordinary skill in the art to have modify the sidewall of Liao such that it is deflectable for urging the sidewalls of the article held within the bracket as taught by Root.

Applicant's arguments with respect to claim 16 have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Korie H. Chan whose telephone number is 703-305-8079. The examiner can normally be reached on Monday - Thursday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leslie Braun can be reached on 703-308-2156. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Korie H. Chan
Primary Examiner
Art Unit 3632

khc
February 22, 2005